

Appln No. 09/995,483
Amdt date November 9, 2009
Reply to Office action of August 11, 2009

REMARKS/ARGUMENTS

The above amendments and these remarks are in response to the Office action mailed on August 11, 2009. Claims 1, 14, 18, 22, 27 and 34 have been amended. Claim 115 has been added is directly to subject matter disclosed in the application as originally filed. No new matter has been added. Claims 8, 9, 11-13, 19-21, 24-26, 32, 33, 35-42, 57 and 114 have been canceled. Claims 1, 3-7, 10, 14-18, 22, 23, 27, 28, 30, 31, 34 and 115 are now pending in this application. Reconsideration on the basis of the above amendments and remarks below is kindly requested.

A Supplemental Declaration for Reissue Patent Application is being submitted concurrently herewith.

The undersigned wishes to thank the Examiner for the telephonic interview on October 19, 2009, where the rejection to claim 1 over Nishioka et al., U.S. Patent No. 4,036,386, was discussed.

Support for the amendments to claims 1, 14, 22, 27 and 34 is found on column 3, line 10, to column 4, line 27. Claim 115 is supported by the specification on column 5, lines 8-24.

The Examiner objected to the specification as failing to provide antecedent basis for "when the concentric circular ridges are registered with the rim". Support for this recitation is found on column 3, lines 64-65.

The Examiner rejected claims 1, 4, 5, 14-17 and 22 under 35 U.S.C. §102(b) as being anticipated by Nishioka et al. The Examiner rejected claims 32-42 under 35 U.S.C. §103(a) as being unpatentable over Nishioka et al., in view of Carpenter et al., U.S. Patent No. 3,589,545.

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Claim 1 has been amended to require a plurality of concentric circular ridges formed on the top portion inner surface for "engaging the rim along the radius". As discussed with the Examiner, this amendment should now render claim 1 patentable over Nishioka et al.

Claim 14 as amended requires that "the plurality of ridges engage the bottle neck, along said radius". Claim 22 as amended requires "torquing the cap on the bottle causing the plurality of ridges to engage and press against an upper surface of the rim along said radius". Claim 27 as amended requires "a plurality of concentric ridges formed on the second surface of the disc, wherein when the cap is completely threaded onto the bottle neck, the plurality of ridges contact the bottle neck rim and along the radius". Claim 34 as amended requires "a plurality of concentric circular ridges formed on the first surface of the disc for engaging the rim along said radius". As such, Applicant submits that claims 14, 22, 27 and 34 are also allowable over Nishioka et al.

Claims 3-7 are directly or indirectly dependent from claim 1. Claims 15-17 are dependent from claim 14. Claim 23 is dependent from claim 22. Claims 28 and 30 are dependent from claim 27. Claim 115 is dependent from claim 14. As such, Applicant submits that claims 3-7, 15-17, 23, 28 and 30 are also in condition for allowance over Nishioka et al. as being dependent from claims allowable over Nishioka et al., and for the additional limitations that these claims contain therein.

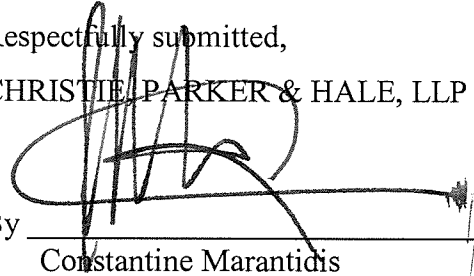
The Examiner rejected claim 27 under 35 U.S.C. §§103(a) as being unpatentable over Gora, U.S. Patent No. 2,739,724, in view of Dukess, U.S. Patent No. 3,963,845. Neither of these references disclose a plurality of concentric circular ridges as required by claim 27. Thus, claim 27 is also allowable over Gora in view of Dukess.

The rejections to all claims pending in this application are believed to have been overcome, and this application is now believed to be in condition for allowance. Should the

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Examiner have any remaining questions or concerns about the allowability of this application,
the Examiner is kindly requested to call the undersigned attorney to discuss them.

Respectfully submitted,
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